

**BOARD OF COUNTY COMMISSIONERS
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

JANUARY 26, 2016

PRESENT:

Kitty Jung, Chair
Bob Lucey, Vice Chair
Marsha Berkbigler, Commissioner
Vaughn Hartung, Commissioner
Jeanne Herman, Commissioner

Nancy Parent, County Clerk
John Slaughter, County Manager
Paul Lipparelli, Legal Counsel

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

16-0078 **AGENDA ITEM 3** Public Comment.

Ardena Perry expressed her concerns about County Code Chapter 55 Section 200 regarding the tethering of animals. She provided a brief history related to the Code. She indicated she did not believe tethering animals in front a business, regardless whether or not a person received the property owner's permission, was appropriate since it posed a danger to the animal and people passing by.

Tim Stoffel expressed his concerns about Agenda Items 13 and 15 associated with County Code Chapter 55. He questioned the vagueness of the definition of veterinary care and the commercial animal establishments permit language. He said there was a dark undertone to the regulations.

Bob Akerman came forward in memory of Michael Greene, former Sierra Fire Protection District Chief, who recently passed away. He spoke about Michael Greene's accomplishments. He recommended the Board recognize Chief Greene with a plaque at Fire Station 36.

Cathy Brandhorst spoke about matters of concern to herself.

Sam Dehne spoke about the negative effects that Storey County's inclusion into the Economic Development Authority of Western Nevada had on Washoe County.

A - 3/8/16 #5

Garth Elliott talked about making the County a gentler place to live. He said the County should watch the kinds of laws it enacted.

16-0079 **AGENDA ITEM 4** Announcements/Reports.

John Slaughter, County Manager, recommended the removal of Agenda Item 5D, a sub-grant for emergency food assistance, and Agenda Item 15, the second reading of amendments to Chapter 55.

Commissioner Herman stated she received complaints from residents, in the rural areas of District 5, about their garbage not being picked up by Waste Management. Since residents were not receiving the service they were paying for, she thought residents should receive a refund or a credit with regards to their billing. She suggested there needed to be changes made to the way complaints were received. She felt complaints needed to be made in writing so there would be a record. She mentioned the Lemmon Valley Flood and asked staff to research obtaining a grant to improve the ditches. She also mentioned possibly using her discretionary funds to help the Citizen Advisory Boards move forward.

Commissioner Hartung said he received emails with respect to single-stream recycling and hoped the County would have single-stream recycling in the near future.

Commissioner Berkbiger mentioned the Board previously requested a formal resolution for Michael Greene, former Sierra Fire Protection District Chief, which would be coming before the Board.

Commissioner Lucey commended the staff and the Board for their involvement in the strategic planning session. He mentioned there were significant gains and accomplishments. He stated he wanted to mimic some of the announcements from the session regarding positively branding the County, making sure every County citizen was aware of what the County did for them on a daily basis, and the continuation of helping citizens move forward. He noted County citizens had many concerns and he asked them to be patient. The County was working through every situation as fast as it could to try to find a resolution for its citizens. He said he attended the Library Board of Trustees meeting and spoke with the new Library Director, Jeff Scott. He stated Mr. Scott was a phenomenal addition to the County's team. He indicated libraries were cultural and community centers that were sometimes overlooked. The relevance and importance of the County's libraries were so much more than just books and librarians. He mentioned the libraries were underfunded and hoped Mr. Scott's leadership would improve the situation.

Chair Jung stated she met with a group which Scott Pearson, Reno Justice Court Chief Judge, had assembled that established a specialty court to address human trafficking and the exploitation of humans. She noted the County had a formal agreement with Awaken, a non-profit organization which helped women and children break away

from the cycle of exploitation. She spoke about the shortage of doctors in the region and she suggested starting a dialog with Renown to discuss the issue. She mentioned she would be attending the Directions 2016 meeting at the Grand Sierra Resort to discuss economic development issues. She also mentioned there would be a District Board of Health meeting and a concurrent meeting with the City of Reno, the City of Sparks and the Washoe County School District. Lastly, she stated she would be sitting at the Reno is Artown table for the Go Red for Women luncheon, which was a fundraiser and an awareness event for women's heart health.

Commissioner Berkbigler said Go Red for Women was wonderful. She stated she was a member of the Go Red Team and she would also be at the event. She wished Chair Jung a happy birthday.

CONSENT ITEMS 5A THROUGH 5F2

- 16-0080** **5A** Approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered for the 2012/2013, 2013/2014, 2014/2015 and 2015/2016 secured and unsecured tax rolls and authorize Chairman to execute the changes described in Exhibit A and direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease \$44,329.22]. Assessor. (Parcels are in various Commission Districts.)
- 16-0081** **5B** Acknowledge Receipt of the Interim Financial Report for Washoe County Governmental Funds for the six months Ended December 31, 2015 – Unaudited. Comptroller. (All Commission Districts.)
- 16-0082** **5C** Approve the updated Washoe County Grant Management Policy Manual 2016. Manager. (All Commission Districts.)
- 16-0083** **5E1** Approve an Easement Amendment (Truckee River Bicycle and Pedestrian Traffic Access Bridge) between Washoe County and the State of Nevada Division of State Lands, due to an increase in the annual fees associated with the Easement [\$275 annually]. (All Commission Districts.)
- 16-0084** **5E2** Approve a Sanitary Sewer Infrastructure Dedication Agreement between Washoe County, St. James's Village, Inc. and World Properties, Inc., for the development, construction and subsequent dedication of Sanitary Sewer Infrastructure for the St. James's Village and Sierra Reflections residential developments located in the South Truckee Meadows. (Commission District 2.)
- 16-0085** **5E3** Approve a Communications Use Lease for Fox Mountain (NVN-004731) between the United States of America, acting through the Bureau of Land Management, Department of the Interior and Washoe County to replace an existing Right of Way Grant. (Commission District 5.)

16-0086 5F1 Approve receipt of a direct grant award [\$127,470, no County match required] from the Bureau of Justice Assistance (BJA), State Criminal Alien Assistance Program (SCAAP), FY2015, Project number 2015-AP-BX-0775, to the Washoe County Sheriff's Office, Detention Bureau. Beginning date of the grant term is retroactive to October 1, 2015, with no end date. If approved, direct the Comptroller's Office to make the necessary budget amendments. (All Commission Districts.)

16-0087 5F2 Approve the direct grant award from the U.S. Department of Justice, Bureau of Justice Assistance FFY 2015/2016, Project No. 2015-SJ-BX-0002 for [\$113,472, 25% cash match required from County] to support the Anti-Wandering Initiative project for the retroactive grant period of 10/1/15 through 9/30/17 and award contract to Catholic Charities of Northern Nevada based on response to RFP #2958/16 and if approved, direct Comptroller's Office to make necessary budget amendments. (All Commission Districts.)

On the call for public comment, Cathy Brandhorst spoke about matters of concern to herself.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Consent Agenda Items 5A through 5F2 be approved with the exception of Agenda Item 5D which was pulled. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 5A through 5F2 with the exception of Agenda Item 5D are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – AGENDA ITEMS 8, 9, 10, 11 AND 12

16-0088 AGENDA ITEM 8 Recommendation to acknowledge a grant award and a FY16 General Fund allocation of [\$314,136], awarded to the Second Judicial District Court, to help support and increase the number of participants served through the expansion of the existing Mental Health Court, titled the Northern Nevada Regional Mental Health Court, creation of a new Medication Assisted Treatment Court, and expansion of the existing Adult Drug Court, effective November 1, 2015 – June 30, 2016, and direct the Comptroller's Office to make the necessary budget adjustments. District Court. (All Commission Districts.)

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 8 be acknowledged and directed.

16-0089 AGENDA ITEM 9 Recommendation to approve a Grant Agreement between William N. Pennington Foundation and Washoe County for

Bower's Mansion Pool construction and equipment improvements [\$400,000 - no match required]; authorize the Community Services Department Director to sign the grant agreement, reports, and any subsequent documents related to the grant on behalf of the County; and direct the Comptroller's Office to make the appropriate budget adjustments. Community Services. (Commission District 2.)

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 9 be approved, authorized and directed.

16-0090 **AGENDA ITEM 10** Recommendation to approve the sole source purchase of absentee ballot central scanning hardware and software for the Registrar of Voters Office from Dominion Voting Systems; authorize the Purchasing and Contracts Manager to execute an agreement in the amount of [\$224,523], which includes first year maintenance as well as extensive training; approve the inter-fund contingency transfer of [\$224,523] from the general fund contingency account 189000-820000 to project (number to be determined) Voter's Absentee Ballot project in the Capital Improvement Fund; and direct the Comptroller's Office to make the appropriate adjustments. The total project implementation cost, year one of maintenance and necessary training is requested for the project and years two through four maintenance costs are to be included in the base budget of the Registrar of Voter's Office beginning fiscal year 2016/2017 and is approximately [\$39,000] annually. Voters. (All Commission Districts.)

On the call for public comment, Cathy Brandhorst spoke about matters of concern to herself.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 10 be approved, authorized and directed.

16-0091 **AGENDA ITEM 11** Recommendation to approve the settlement of the claims by John Kesner and Corrine Kesner against Washoe County et al, for a total sum of [\$200,000] for all claims against all defendants, with funding from the Risk Management Fund. Comptroller. (All Commission Districts.)

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 11 be approved.

16-0092 **AGENDA ITEM 12** Recommendation to award Washoe County Bid No. 2943-16 for Ortho-Photography and 2-foot Contour Products on behalf of Washoe County and the Jointer Agencies (the Cities of Sparks and Reno,

and Nevada Power Company) to the Geophex, Ltd., 605 Mercury St., Raleigh, NC 27603 in the amount of [\$196,844.56.] Authorize the Purchasing and Contracts Administrator to purchase additional mapping products from the same vendor through December 31, 2016 provided there is no increase in the pricing structure. Technology Services. (All Commission Districts.)

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 12 be awarded and authorized.

16-0093 **AGENDA ITEM 6** Department Presentation – Community Services Department, highlighting services and operations.

Dave Solaro, Community Services Department (CSD) Director, conducted a PowerPoint presentation. He stated the general public knew the CSD by various other department names; such as, parks, roads, engineering, public works, building and safety, sewer, utilities, and planning and development. Internal staff knew the CSD as facilities, equipment services, and capital projects. He said the CSD was a group of multiple disciplines put together for the benefit of the tax payer, the rate payer, and the permit holders. He noted a total of 437,000 residents utilized the regional services the CSD supported, which included the jail, Animal Services, the Courts, dispatch, the senior centers and the libraries. The mission the CSD worked towards was to provide and sustain a safe, secure and healthy community. A video was played which captured the impacts of CSD's services throughout the County, including roads, parks and facilities. He reviewed a slide providing CSD facts which highlighted the number of employees, miles of roads, square feet of buildings, acreage of parks, number of permits, number of building inspections, and the general fund budget amount. He spoke about the CSD's staff and their experiences. He noted his staff was educated, knowledgeable and dedicated. He said the CSD did not always meet the expectations of all the residents, but it met the expectations of most of them. He noted with proper planning and budgeting, the CSD would meet the needs of the County citizens well into the future. Meeting the needs of the community would require investing in equipment, technology and staff. He said the CSD planned to meet the challenge. He thanked the employees of the CSD, the Manager's office and the Board. He noted the last slide of the presentation provided the CSD's contact information.

Commissioner Hartung said the County was more user friendly than it had ever been. He thought one of the best moves the Board made was to combine the various departments under the CSD. He stated the CSD was really proactive and the staff was amazing.

Commissioner Berkbigler thanked Mr. Solaro for all of the help he had been to her. She noted the CSD was doing a great job.

Commissioner Lucey stated he could not thank Mr. Solaro enough. He noted the presentation Mr. Solaro gave at the District 2 Forum and to the Board showed how much Mr. Solaro oversaw. He commended Mr. Solaro and the CSD staff.

Chair Jung echoed the statements of the other Commissioners. She believed Mr. Solaro's background was impressive and she asked him to elaborate on his education and licensure.

Mr. Solaro stated he was a believer of bettering yourself through education. He remarked he was a licensed architect and registered engineer. He obtained his architecture degree from the University of Idaho and his engineering degree from the University of Nevada, Reno.

Chair Jung noted the video was great and she thanked Mr. Solaro.

There was no public comment or action taken on this item.

16-0094 **AGENDA ITEM 7** Recommendation to acknowledge staff update regarding dispatch consolidation conversations with the City of Reno and provide further direction to staff regarding option to pursue consolidation study. Manager. (All Commission Districts.)

Joey Orduna-Hastings, Assistant County Manager, stated she was present to provide an update on dispatch conversations with the City of Reno and the Sheriff's Office. Staff's recommendation was to pursue and commission a consulting agreement to review data, personnel issues, the governing structure and technology needs. She indicated as Dispatch moved toward consolidation, having a national expert would be beneficial. She noted Russell Pedersen, Sheriff's Department Chief Deputy, was present to answer questions.

Commissioner Hartung asked whether the County was bearing the entire cost of the estimated \$50,000 to \$80,000.

Ms. Orduna-Hastings stated the County would utilize funds from the Office of the County Manager's budget.

There was no public comment.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried, it was ordered that Agenda Item 7 be acknowledged.

16-0095 **AGENDA ITEM 13** Introduction and first reading of an ordinance amending Washoe County Code Chapter 55 by repealing provisions concerning riding horses while intoxicated, abandoning injured animals, and giving away live animals as part of a promotion; by amending provisions related to keeping animals in sanitary conditions, animal waste

disposal, cruelty to animals, animal fighting, pigeon shoots, endangering animals and restraining animals; and by repealing, adding and revising various definitions, and all other matters properly relating thereto; and, if supported, set the public hearing for second reading and possible adoption of the ordinance on February 9, 2016. Animal Services. (All Commission Districts.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Nancy Parent, County Clerk, read the title for Bill No. 1757.

On the call for public comment, Ardena Perry stated she would like to see clarification on the language "reasonable veterinary care". She said there was a lot of subjective language and it left a lot of wiggle room.

Cathy Brandhorst spoke about matters of concern to herself.

Commissioner Lucey stated there was no clarity in the language regarding the restraining of animals on public property. He said he would like to see clarification regarding tethering on public property.

Chair Jung asked Paul Lipparelli, Legal Counsel, whether Commissioner Lucey could introduce the Bill with the stipulation that the second reading would identify the changes.

Mr. Lipparelli said in these situations the question was always whether the changes or refinements would destroy the notice that was given. He stated a lot depended on how substantial the changes were. It was always safer to start over and make sure everyone had notice of what the provisions were. If that course was not chosen and the changes were made, the question would be whether the changes were substantial enough to warrant a first reading and an adoption.

Bobby Smith, Animal Services Manager, noted the Code indicated it was perfectly legal to tether a dog at horse parks and similar spaces. He said Animal Services could work with the District Attorney's office to add the exemption for parks.

In response to Chair Jung's question whether Mr. Smith's suggestion was satisfactory, Commissioner Lucey responded in the affirmative.

Commissioner Herman indicated she understood the concerns of the public regarding the word "reasonable". She expressed concerns over the verbiage "other birds" in the section dealing with animal fighting and pigeon shooting. She mentioned she raised birds for the purpose of training her bird dogs. She suggested clarifying the language to exempt birds that a person raised themselves.

Mr. Smith noted the language Commissioner Herman referenced was original language. He stated the language was directed towards animal fighting where animals were pitted against each other; for example, cock fighting.

Commissioner Herman remarked her interpretation of the language was not the same. She noted the language was still unclear as people could interpret it differently.

Bill No. 1757 was introduced by Commissioner Lucey, and legal notice for final action of adoption was directed with a second reading to be held on February 9th.

16-0096 **AGENDA ITEM 14** Recommendation to approve the request to approve the relocation of a medical marijuana dispensary within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015. The request is from Tryke Companies Reno, LLC to approve the relocation of a medical marijuana dispensary within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law. The request is from Tryke Companies Reno, LLC to move a medical marijuana dispensary from the location issued as State of Nevada provisional medical marijuana certificate at 10 Stateline Road in Crystal Bay, Nevada to a new location at 5105 Sun Valley Boulevard in Sun Valley, Nevada. If approved, direct staff to notify the State of Nevada Division of Public and Behavioral Health in writing of the Board's approval of the relocation request. Manager. (Commission Districts 1 and 3).

Kevin Schiller, Assistant County Manager, stated the County lobbied for a bill to allow moving medical marijuana facilities beyond the five-mile requirement and this was the first facility brought forward pursuant to the changes. He said the process required a public hearing and a neighborhood meeting. The meeting, which consisted of a panel that included himself and representatives from Tryke Companies Reno, LLC, occurred at the Sun Valley Community Center. He mentioned 20 attendees signed in and proper notice was provided. He indicated residents' concerns primarily focused on security. Other concerns included traffic, proximity to schools, cultural issues, having a second dispensary in Sun Valley, and the public review process. He said the panel spent a lot of time presenting information specific to the rules and regulations regarding oversight of a medical marijuana dispensary. He noted historically in other jurisdictions when a medical marijuana dispensary was placed in neighborhoods, criminal activity decreased due to increased scrutiny around the facility. He mentioned Tryke Companies Reno, LLC was very invested in the Sun Valley community, and in their prior businesses, they had been very gracious in terms of contributing to the community. Tryke Companies Reno, LLC arranged a tour of their City of Sparks' facility for some of the Citizens Advisory Board (CAB) members which included Chair Jung. He said staff's recommendation was to approve the move as the proposed parcel was eligible. He added

there were time frames tied to setting up the dispensaries, which was why staff tried to move through the process quickly.

On the call for public comment, Carol Burns objected to the approval of moving of the medical marijuana dispensary to Sun Valley. She stated according to the State there had been 2,235 medical marijuana permits issued and she found it difficult to believe that all those people were proximal to Sun Valley. She believed the intersection of the location was dangerous. She also believed the move appeared to be a vendetta against the Sun Valley community as she noted other issues that plagued Sun Valley; such as, the previous lack of a CAB, the fact that the Sun Valley community had to assume the financial responsibilities of their parks, and now a proposal for a second medical marijuana dispensary.

Cathy Brandhorst spoke about matters of concern to herself.

Garth Elliott said he did not have a medical marijuana card but he knew of several older people who had them. He said his wife had a medical marijuana card for her fibromyalgia. He noted the benefits of having two medical marijuana dispensaries in Sun Valley, which included having viable businesses in the area and the fact that having two facilities would force competition. He did not believe traffic would be a concern. He thought Sun Valley would benefit from the medical marijuana facilities. He thought marijuana was destructive to young people; however, it was good for seniors.

Chair Jung requested an email from Susan Severt be placed into the record. The email was placed on file with the Clerk.

Commissioner Herman indicated she attended the meeting in Sun Valley and one of the concerns residents had was that the two facilities might become recreational facilities. She said residents were told that would not happen so she hoped that was the case.

Chair Jung stated she was a supporter of medical marijuana. She spoke about the successes of medical marijuana. She thought the location of the medical marijuana dispensary in Sun Valley was great.

On motion by Chair Jung, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 14 be approved and directed.

PUBLIC HEARINGS

16-0097 **AGENDA ITEM 15** Second reading and adoption of an ordinance amending Washoe County Code Chapter 55 by creating provisions regulating commercial animal establishments (through an animal welfare permit); by adding related definitions; and by making changes to the definition of "County" and all other matters properly relating thereto. (Bill No. 1756). Animal Services. (All Commission Districts.)

John Slaughter stated the agenda item was recommended for removal.

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

On the call for public comment, Lisa Jaramillo, Pet Play House Co-Owner, stated the definition of a commercial animal establishment in the ordinance lumped several industries under one umbrella. She felt there were two separate industries: the purchase and sale of animals, and the service industry. Dog day care was similar to child day care. The animals had an advocate or guardian, which distinguished it from the sale industry where the animals did not have representation until they were purchased or adopted. She did not believe parts of the proposed ordinance pertained to her type of business; for example, euthanasia and carcass removal. She hoped the Board could revise the language. She said she supported inspections of all facilities involving pets without prior warning.

Chair Jung suggested that Bobby Smith, Animal Services Manager, and Shyanne Schull, Animal Services Director, reach out to Ms. Jaramillo to clarify the language for her.

Chair Jung stated Agenda Item 15 was to be removed from the Agenda through her authority as Chair. She said Paul Lipparelli, Legal Counsel, believed the record would still be clean and in compliance with the open meeting law.

Mr. Lipparelli added while Chair Jung was probably not technically required to take public comment for an item that was removed from the agenda, in the interest of public participation, it was within the Chair's discretion to do so.

16-0098 **AGENDA ITEM 16** Hearing, discussion, and possible action on Appeal Case No. AX15-006 (Sugarloaf Ranch Estates), an appeal of the Planning Commission's decision to deny Master Plan Amendment Case Number MPA15-004 and Regulatory Zone Amendment Case Number RZA15-006, which (1) requested approval of an amendment to the Washoe County Master Plan, Spanish Springs Area Plan, to change the Master Plan Categories on one parcel of ± 39.84 acres from a mix of Industrial (I) Commercial (C) and Open Space (OS) to Suburban Residential (SR) and (2) requested approval of an amendment to the regulatory zones on the same parcel from a mix of Open Space (OS), Industrial (I) and Neighborhood Commercial (NC) to Medium Density Suburban (MDS). The applicant and property owner is Sugarloaf Peak, LLC. The subject parcel (APN: 534-562-07) is located on the north side of Calle De La Plata, approximately 2/10 of a mile east of its intersection with Pyramid Highway within the Spanish Springs Area Plan and Spanish Springs Citizen Advisory Board boundaries, Section 23, Township 21N, Range 20E, MDM. The Development Code sections applicable to this

amendment are Article 820, Amendment of Master Plan, and Article 821, Amendment of Regulatory Zones. The Board of County Commissioners may take action to: (1) Confirm the Planning Commission's denial of either or both cases; or (2) Reverse the Planning Commission's denial of both cases, remand the Master Plan Amendment back to the Planning Commission for a report and also send the Regulatory Zone Amendment back to the Planning Commission with instructions; or 3) Reverse the Planning Commission's denial of both cases, remand the Master Plan Amendment back to the Planning Commission for a report, approve the Regulatory Zone Amendment subject to ultimate approval of the associated Master Plan Amendment, and authorize the Chair to sign the attached resolution. Community Services. (Commission District 4.)

Roger Pelham, Planning and Development Division Senior Planner, conducted a PowerPoint presentation, which was placed on file with the Clerk, regarding a regulatory zone amendment and a master plan amendment to change the zoning of the specified property from commercial and industrial to residential. The slides included a map of the property, and the action taken by the Planning Commission which denied staff's recommendation for the approval of the zoning change. He said the Planning Commission felt the proposals did not create the transition and the feathering of densities that the character statement provided for. He noted in his initial evaluation, the area plan statement dealt with a broader level of review; whereas, the Planning Commission felt the statement dealt with individual parcels that were stacked up against each other. The character statement, as he understood it, was meant to indicate there would be a higher density in the suburban core, which was the suburban character management area, and then feathering out to the more rural densities on the outside.

Commissioner Hartung asked Mr. Pelham to articulate some of the issues the Planning Commission had with respect to traffic, upgrades to the intersection, and other likely improvements.

Mr. Pelham said the Planning Commission, from a physical infrastructure standpoint, felt that the potential for additional traffic could place burdens on the intersection of Pyramid Way and Calle de la Plata. He added they also felt improvements should be made to the area prior to the approval of the Master Plan and the Regulatory Zone Amendments. Additionally, the Planning Commission felt there could be additional burdens on the waste water system and perhaps on individual wells, based on additional pumping that might come out of the municipal wells. He noted the Truckee Meadows Water Authority and Community Sewer would service the area. He stated the capacity did exist to support the sewer system for the additional intensity that was requested by the Master Plan Amendment and zoning change. He indicated there was not a specific project at this time.

Commissioner Hartung spoke of his concern regarding the lack of a right-hand deceleration lane on the corner of Pyramid Way and Calle de la Plata. He asked

whether the warrants had been met and if the developers would be able to improve the corner themselves prior to any projects.

Mr. Pelham said he did not believe it met the warrants but the recommendation for the deceleration lane was within the traffic report that was submitted. The warrants had not been met for the full signalized intersection.

Commissioner Hartung stated the Planning Commission wanted to see certain kinds of improvements prior to development; however, that was not the process. Development had to occur before improvements could be made to the intersection. He said it was important to understand the Board was not addressing a specific project. They would be approving a Master Plan Amendment and rezoning the property.

Commissioner Berkgigler questioned whether more traffic and waste water issues would occur if the property was utilized under its current commercial zoning.

Mr. Pelham replied yes. He noted there was commercial and industrial zoning in place, which provided for more intense uses in comparison to the suburban residential and the medium density suburban (MDS) zones.

Commissioner Berkgigler added she thought the Planning Commission was incorrect by denying the applicant's request.

On the call for public comment, Maria Voltl asked the Board to deny the rezoning of the property in question. She said her property was a 40 acre parcel nearby. She said she was the first to be vandalized by kids with nothing to do. She added she was 86 years old, and she moved there for peace and quiet. She concluded by stating if the amendments were approved, the Board would be driving her out of her home.

Dan Holman stated he was perplexed as to why the public hearing was not time specific. He expressed his concerns about the timing of the hearing and the lack of notice. He said a notice was not mailed out to the individual property owners. He spoke about his concerns regarding the lack of a transition area. He stated there needed to be a minimum of full one-third acre parcels, and a transition zone between the large acre parcels and the MDS areas.

In response to Commissioner Hartung's question as to how many notices were sent, Mr. Pelham replied a total of 52 notices were sent out.

Mr. Pelham confirmed Commissioner Hartung's statement regarding the process of the appeal. As stated by Commissioner Hartung, if the Board approved the appeal, it would go back to the Planning Commission, back again to the Board, on to the Regional Planning Commission, and then finally to the Regional Governing Board.

Commissioner Hartung asked Sugarloaf Ranch Estates' representative whether it would be possible to feather the edges.

Garrett Gordon, Partner at Lewis Roca Rothgerber Christie, stated their engineer was working on a tentative map. He noted if the amendments were approved, it would allow for 119 single-family dwellings. He added the configuration, the roads, the feathering and additional items were being discussed and worked on. He stated they were doing everything they could to help feather and buffer surrounding property owners. He said the finalized map would be presented to the Board. He mentioned the Donovan Ranch Subdivision as an example of a property which was zoned for one unit per acre; however, it clustered three units per acre. He stated the rezoning request, from low to medium density, would make it more compatible under the County's Land Use and Transportation (LUT) policy. He noted the rezoning would bring the property into more of a transition zone.

Commissioner Hartung moved to reverse the Planning Commission's decision to deny Master Plan Amendment Case Number MPA15-004 and Regulatory Zone Amendment Case Number RZA15-006; to remand MPA15-004 back to the Planning Commission for a report; and to remand RZA15-006 back to the Planning Commission. This action is based on this Board's review of the written materials and oral testimony at the public hearing, and this Board's interpretation of the relevant finding. Commissioner Berkbigler seconded the motion which duly carried.

16-0099 **AGENDA ITEM 17** Hearing, discussion, and possible action on Appeal Case No. AX15-005 (Blackstone Estates), an appeal of the Planning Commission's decision to deny Master Plan Amendment Case Number MPA15-003 and Regulatory Zone Amendment Case Number RZA15-005, which (1) requested approval of an amendment to the Washoe County Master Plan, Spanish Springs Area Plan to change the Master Plan Categories on one parcel of ± 58.49 acres from a mix of Suburban Residential (SR), Industrial (I) and Commercial (C) to Suburban Residential (SR) and (2) requested approval of an amendment to the regulatory zones on the same parcel from a mix of Low Density Suburban (LDS), Open Space (OS), Industrial (I) and Neighborhood Commercial (NC) to Medium Density Suburban (MDS). The applicant is SP58, LLC and the property owner is Jacie, LLC. The subject parcel (APN: 534-571-01) is located on the north side of Calle de la Plata, approximately 650 feet east of its intersection with Pyramid Highway. It is within the Spanish Springs Area Plan and Spanish Springs Citizen Advisory Board boundaries and within Section 23, Township 21N, Range 20E, MDM. The Development Code sections applicable to this amendment are Article 820, Amendment of Master Plan and Article 821, Amendment of Regulatory Zone. The Board of County Commissioners may take action to: (1) Confirm the Planning Commission's denial of either or both cases; or (2) Reverse the Planning Commission's denial of both cases, remand the Master Plan Amendment back to the Planning Commission for a report

and also send the Regulatory Zone Amendment back to the Planning Commission with instructions; or (3) Reverse the Planning Commission's denial of both cases, remand the Master Plan Amendment back to the Planning Commission for a report, approve the Regulatory Zone Amendment subject to ultimate approval of the associated Master Plan Amendment, and authorize the Chair to sign the attached resolution. Community Services. (Commission District 4.)

Kelly Mullin, Planning and Development Division Planner, stated the hearing was an appeal for Blackstone Estates. The applicant appealed the Planning Commission's denial of the Master Plan Amendment MPA15-003 and the Regulatory Zone Amendment RZA15-005. She gave a PowerPoint presentation covering the Master Plan Amendment request; the changing of the zoning to medium density suburban (MDS); the summary of the request; the concerns brought up from the Planning Commission hearing, which included traffic issues, water and sewer services, and school capacity; the Planning Commission's action to deny, and the Board's options regarding the appeal.

In response to Commissioner Hartung's call for the applicant's, Blackstone Estates, representative to provide additional information, Mike Railey, Rubicon Design Group, stated the request was strictly a land use request. He displayed a map, which was placed on file with the Clerk, and he said the property was located within the suburban character management area identified in the Spanish Springs Area Plan. He noted the area plan specifically called for residential densities up to three units per acre. He mentioned Blackstone Estates was well within the parameters of the area plan with their request. He also mentioned a zoning change from the current industrial and commercial zoning would generate less traffic. He stated if the Board were to review the MDS designation and the surrounding designations, they would see they had the highest compatibility. He said not a single reviewing agency, which reviewed Blackstone Estates' application, had a recommendation for denial. He added the Planning Commission had concerns about water, which was part of the reason they said they could not make the findings; however, at the Planning Commission Meeting, a representative from the Truckee Meadows Water Authority anticipated no impacts to existing wells. He added Blackstone Estates was committed to and planned to deed restrict the front yards in the neighborhood to have xeriscaping, which would be installed by the developer. He also mentioned they had given written commitments to the surrounding neighbors to provide an open space buffer and to feather the densities.

Commissioner Hartung asked staff how the County would deal with the parks in the area.

Bill Whitney, Planning and Development Division Director, said the County would have to look at future growth and also look at the Park District Master Plan to see if it required updating. He stated he did not have an answer. He noted the Parks and Open Space staff felt there were an adequate number of parks in the larger vicinity of Spanish Springs.

Commissioner Hartung discussed the possibility of converting detention and retention facilities into a dual-use facility where there could be a park that was allowed to flood. As the water drained out and with a little clean up, the land would become a park again.

Mr. Whitney indicated it was a possibility. He said there was a park in Sun Valley that was like that and it was very popular.

In response to Commissioner Hartung's mention of the timing of the improvements, Dwayne Smith, Engineering and Capital Projects Director, stated improvements were looked at and conditioned as part of the improvement process for the final map. He added any of the required upgrades would be constructed as an actual project if and when that came before them.

On the call for public comment, Dan Herman said his property was situated against the development. He noted he was in favor of the development and that the developer had worked with him as far as providing some buffering. He expressed his concern over the lack of noticing of the hearing. He said it was a bad time for a meeting as most people were at work. He mentioned the development on the Donovan property where land was given up for open space and the lots were a minimum of a full one-third acre. He hoped the standard would be maintained.

Commissioner Hartung moved to reverse the Planning Commission's decision to deny Master Plan Amendment Case Number MPA15-003 and Regulatory Zone Amendment Case Number RZA15-005; to remand MPA15-003 back to the Planning Commission for a report; to approve RZA15-005, subject to final approval of the master plan request; and to authorize the Chair to sign the resolution attached as Exhibit E. This action is based on this Board's review of the written materials and oral testimony at the public hearing, and this Board's interpretation of the relevant findings. Commissioner Berkbigler seconded the motion.

Mr. Whitney asked Commissioner Hartung to consider making the same motion as was made for Agenda Item 16, which were almost identical projects, to make the Planning Commission's job a little easier. He noted on Agenda Item 16, the motion sent back both the Master Plan Amendment and the Regulatory Zone Amendment back to the Planning Commission; whereas, on this agenda item, the motion was to send back the Master Plan Amendment but to approve the Regulatory Zone Amendment.

Paul Lipparelli, Legal Counsel, stated each agenda item had two parts, the Master Plan Amendment and the Regulatory Zone Amendment. He explained the differences in the motions and he noted Mr. Whitney pointed out the motions were inconsistent.

Commissioner Berkbigler stated she was withdrawing her seconding of the motion unless it was the exact same motion as made for Agenda Item 16.

Commissioner Hartung moved to reverse the Planning Commission's decision to deny Master Plan Amendment Case Number MPA15-003 and Regulatory Zone Amendment Case Number RZA15-005; to remand MPA15-003 back to the Planning Commission for a report; and to remand RZA15-005 back to the Planning Commission. This action is based on this Board's review of the written materials and oral testimony at the public hearing, and this Board's interpretation of the relevant finding. Commissioner Berkbigler seconded the motion which duly carried.

Mr. Lipparelli added the zone change could not be implemented until the Master Plan was approved by the Board and by the Regional Planning Commission. There was no real advantage or disadvantage to the applicant, the neighborhood or interested persons to try and send the zoning change forward without the Master Plan. He said by sending them both back, it gave the Planning Commission a fuller opportunity to review the Board's direction.

16-0100 **AGENDA ITEM 18** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.

There was no closed session.

16-0101 **AGENDA ITEM 19** Public Comment.

Daniel Gray expressed his concern about the non-existent shelter regulations and the overreaching by the County upon animal establishments. He said there were no regulations regarding the importation of animals from outside the State or the Country by shelters and rescue facilities. He stated the shelters and rescue facilities posed a safety hazard by importing animals into the County.

Ardena Perry spoke about her concerns regarding the tethering of dogs in a retail and gaming area.

16-0102 **AGENDA ITEM 20** Announcements/Reports.

Chair Jung asked staff to provide her with data regarding a concern with the possible danger posed at the intersection of 1st Avenue and Sun Valley Boulevard. She asked the County Manager to look into whether District 3 had a representative on the Planning Commission.

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12:31 p.m. There being no further business to discuss, the meeting was adjourned without objection.

KITTY K. JUNG, Chair
Washoe County Commission

ATTEST:

NANCY PARENT, County Clerk and
Clerk of the Board of County Commissioners

*Minutes Prepared by:
Michael Siva, Deputy County Clerk*

Pending Board Approval